

House Bill 205 (COMMITTEE SUBSTITUTE)

By: Representatives Rice of the 95th and Petrea of the 166th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 40 and Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to drivers' licenses and ignition interlock devices as condition of probation, respectively, so as to provide for changes to licensing and driving privileges for individuals arrested for driving under the influence; to provide for the issuance of an optional ignition interlock device limited driving permit upon arrest for driving under the influence under certain circumstances; to provide for submission of a report by the Department of Driver Services; to provide for procedures, conditions, fees, and limitations for the issuance of an ignition interlock device limited driving permit; to change the time frame for requesting hearings after an arrest for driving under the influence; to provide for cancellation of restrictions upon successful completion of complying with an ignition interlock device limited driving permit; to provide for conditions of maintaining ignition interlock devices and use of such devices; to revise and correct cross-references; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-64, relating to limited driving permits for certain offenders, by revising subsections (a), (c) through (e), and (g) as follows:

"(a) To whom issued.

(1) Notwithstanding any contrary provision of this Code section or Code Section 40-5-57, or 40-5-63, or any other Code section of this chapter 40-5-75, 40-5-121, or 42-8-111, any person who has not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were

H. B. 205 (SUB)

accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, may apply for a limited driving permit when ~~and only when~~ that person's driver's license had a suspension imposed prior to July 1, 2015, under Code Section 40-5-22 or that person's driver's license has been suspended in accordance with subsection (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or older and his or her license was suspended for exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable to issue a limited driving permit.

(2) ~~Any person whose driver's license has been suspended as a result of a second conviction for violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, may apply for an ignition interlock limited driving permit after serving at least 120 days of the suspension required for such conviction and providing either a certificate of eligibility from a drug court program in the court in which he or she was convicted of the offense for which such suspension was imposed or by submitting proof of enrollment in clinical treatment as provided in Code Section 40-5-63.1.~~ No person who has been granted an exemption from the ignition interlock device requirements of Article 7 of Chapter 8 of Title 42 shall be eligible for a limited driving permit, an ignition interlock device limited driving permit, or any other driving privilege for a period of one year.

(3) To the extent a person is subject to more than one suspension for which a limited driving permit may be issued, the department shall not issue such permit unless the suspensions are for a conviction for driving under the influence in violation of Code Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section 40-5-67.2 arising from the same incident."

"(c) **Standards for approval.** The department shall issue a limited driving permit if the application indicates that refusal to issue such permit would cause extreme hardship to the applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the purposes of this Code section, 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from:

- (1) Going to his or her place of employment or performing the normal duties of his or her occupation;
- (2) Receiving scheduled medical care or obtaining prescription drugs;

- (3) Attending a college or school at which he or she is regularly enrolled as a student;
- (4) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner;
- (5) Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;
- (6) Attending court, reporting to a community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation office or reporting to a community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42 or performing community service; or
- (7) Transporting an immediate family member who does not hold a valid driver's license for work, to obtain medical care; or prescriptions, or to school.

(c.1) Exception to standards for approval.

~~(1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code section shall not apply and shall not be considered for purposes of granting a limited driving permit or imposing conditions thereon under this Code section in the case of a driver's license suspension imposed prior to July 1, 2015, under paragraph (2) of subsection (a.1) of Code Section 40-5-22.~~

~~(2) An ignition interlock device limited driving permit shall be restricted to allow the holder thereof to drive solely for the following purposes:~~

~~(A) Going to his or her place of employment or performing the normal duties of his or her occupation;~~

~~(B) Attending a college or school at which he or she is regularly enrolled as a student;~~

~~(C) Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and~~

~~(D) Going for monthly monitoring visits with the permit holder's ignition interlock device service provider.~~

(d) Conditions attached. A limited driving permit shall be endorsed with such conditions as the commissioner deems necessary to ensure that such permit will be used by the permittee only to avoid the conditions of extreme hardship. Such conditions may include the following restrictions:

- (1) Specific places between which the permittee may be allowed to operate a motor vehicle;
- (2) Routes to be followed by the permittee;

(3) Times of travel;

(4) The specific vehicles which the permittee may operate; and

~~(4.1) The installation and use of an ignition interlock device in accordance with Article 7 of Chapter 8 of Title 42, which shall be required for any permittee who is applying for an ignition interlock limited driving permit; and~~

(5) Such other restrictions as the department may require.

(e) Fees, duration, renewal, and replacement of limited driving permit.

~~(1)~~ A limited driving permit issued pursuant to this Code section shall be \$25.00 and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following issuance thereof in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57 or a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section 40-6-391, or upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the ~~citation~~ administrative driver's license suspension form or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit. ~~Permits~~ Limited driving permits issued pursuant to this Code section are renewable upon payment of a renewal fee of \$5.00. ~~Permits~~ Limited driving permits may be renewed until the person has his or her license reinstated for the violation that was the basis of the issuance of the limited driving permit. Upon payment of a fee in an amount the same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a replacement for a lost or destroyed limited driving permit issued to him or her.

~~(2) An ignition interlock device limited driving permit shall be valid for a period of one year. Upon successful completion of one year of monitoring of such ignition interlock device, the restriction for maintaining and using such ignition interlock device shall be removed, and the permit may be renewed for additional periods of two months as provided in paragraph (1) of this subsection."~~

136 "(g) **Revocation of limited driving permit.**

137 (1)(A) Any limited driving permittee who is convicted of violating any state law or local
 138 ordinance relating to the movement of vehicles or any limited driving permittee who is
 139 convicted of violating the conditions endorsed on his or her limited driving permit shall
 140 have ~~his or her~~ such permit revoked by the department. Any court in which such
 141 conviction is had shall require ~~the~~ such permittee to surrender ~~the~~ his or her limited
 142 driving permit to the court, and the court shall forward it to the department within ten
 143 days after the conviction, with a copy of the conviction.

144 ~~(B) Upon receipt of notice from the Department of Behavioral Health and~~
 145 ~~Developmental Disabilities that a permittee who is required to complete a substance~~
 146 ~~abuse treatment program pursuant to Code Section 40-5-63.1 enrolled in but failed to~~
 147 ~~attend or complete such program as scheduled, the department shall revoke such~~
 148 ~~person's limited driving permit and, by regular mail to his or her last known address,~~
 149 ~~notify such person of such revocation. Such notice of revocation shall inform the~~
 150 ~~person of the grounds for and effective date of the revocation and of the right to review.~~
 151 ~~The notice of revocation shall be deemed received three days after mailing.~~

152 ~~(C) Upon receipt of notice from a provider center for ignition interlock devices that an~~
 153 ~~ignition interlock device which a permittee is required to use has been tampered with~~
 154 ~~or the permittee has failed to report for monitoring of such device as required by law,~~
 155 ~~the department shall revoke such permittee's limited driving permit and, by regular mail~~
 156 ~~to his or her last known address, notify such person of such revocation. Such notice of~~
 157 ~~revocation shall inform the person of the grounds for and effective date of the~~
 158 ~~revocation and of the right to review. The notice of revocation shall be deemed~~
 159 ~~received three days after mailing.~~

160 (2) Any person whose limited driving permit has been revoked shall not be eligible to
 161 apply for a driver's license until six months from the date such permit was surrendered
 162 to the department. In any case of revocation of a limited driving permit pursuant to
 163 ~~subparagraph (A) of~~ paragraph (1) of this subsection, the department may impose an
 164 additional period of suspension for the conviction upon which revocation of the permit
 165 was based."

166 **SECTION 1-2.**

167 Said chapter is further amended by adding a new Code section to read as follows:

168 "40-5-64.1.

169 **(a) To whom issued.**

170 (1) Any person who has not been previously convicted or adjudicated delinquent for a
 171 violation of Code Section 40-6-391 within five years, as measured from the dates of

previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted and whose driver's license is subject to an administrative driver's license suspension pursuant to subsections (c) and (d) of Code Section 40-5-67.1, may apply for an ignition interlock device limited driving permit with the department.

(2) Any person whose driver's license has been suspended as a result of a second conviction for violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, may apply for an ignition interlock device limited driving permit after serving at least 120 days of the suspension required for such conviction.

(b) **Application form.** Applications for ignition interlock device limited driving permits shall be made upon such forms as the commissioner may prescribe. All applications shall be signed by the applicant before a person authorized to administer oaths.

(c) **Standards for approval.**

(1) The department shall issue an ignition interlock device limited driving permit for a fee of \$25.00 and:

(A) For an applicant eligible for an ignition interlock device limited driving permit pursuant to paragraph (1) of subsection (a) of this Code section:

(i) Within 30 days from the date on which notice was given pursuant to subsection (g) of Code Section 40-5-67.1;

(ii) Upon surrender of the applicant's driver's license; and

(iii) Upon the applicant's execution of an affidavit attesting that the hearing afforded under subsection (g) of Code Section 40-5-67.1 has been waived; or

(B) For an applicant eligible for an ignition interlock device limited driving permit pursuant to paragraph (2) of subsection (a) of this Code section, upon the submission of either a certificate of eligibility from a drug court program in the court in which he or she was convicted of the offense for which such suspension was imposed or the submission of proof of enrollment in a substance abuse treatment program as provided in Code Section 40-5-63.1 and the surrender of his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the administrative driver's license suspension form or conviction.

(2) No person who has been granted an exemption from the ignition interlock device requirements of Article 7 of Chapter 8 of Title 42 shall be eligible for a limited driving permit or any other driving privilege for a period of one year.

(d) Duration, renewal fees, and replacement of ignition interlock device limited driving permit.

(1) An ignition interlock device limited driving permit issued pursuant to this Code section shall become invalid upon the expiration of one year following issuance thereof or upon any earlier reinstatement of the driver's license.

(2) Ignition interlock device limited driving permits issued pursuant to this Code section shall be renewable upon payment of a renewal fee of \$5.00. Such permits may be renewed for additional periods of two months and until the person has his or her license reinstated.

(3) Upon payment of a fee in the same amount as that provided by Code Section 40-5-25 for the issuance of a Class C driver's license, a person may be issued a replacement for a lost or destroyed ignition interlock device limited driving permit previously issued to him or her.

(e) Revocation of ignition interlock device limited driving permit.

(1)(A) Any permittee eligible for an ignition interlock device limited driving permit pursuant to paragraph (1) of subsection (a) of this Code section who is convicted of violating Code Section 40-6-391 shall have his or her permit revoked by the department. Any court in which such conviction is had shall require such permittee to surrender the ignition interlock device limited driving permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction.

(B) The department shall revoke the ignition interlock device limited driving permit of any permittee who is required to complete a substance abuse treatment program pursuant to Code Section 40-5-63.1 and enrolled but failed to attend or complete such program as scheduled upon receipt of notice of such information from the Department of Behavioral Health and Developmental Disabilities. The department shall notify the permittee of such revocation by regular mail to his or her last known address. Such notice of revocation shall inform the permittee of the grounds for and effective date of the revocation and of the right to review. The notice of revocation shall be deemed received three days after mailing.

(C) The department shall revoke the ignition interlock device limited driving permit of a permittee upon receipt of notice from an ignition interlock device service provider that an ignition interlock device has been tampered with or a permittee has failed to report for monitoring as required by law.

(2) The department shall notify the permittee of such revocation by regular mail to his or her last known address. Such notice of revocation shall inform the permittee of the

grounds for and effective date of the revocation and of the right to review. The notice of revocation shall be deemed received three days after mailing.

(3) Any person whose ignition interlock device limited driving permit has been revoked for the first time shall not be eligible to apply for a driver's license until 12 months from the date such permit was surrendered to the department. Any person whose ignition interlock device limited driving permit has previously been revoked shall not be eligible to apply for a driver's license until two years from the date such permit was surrendered to the department.

(f) **Hearings.** Any person whose ignition interlock device limited driving permit has been revoked or who has been refused such permit by the department may make a request in writing for a hearing to be provided by the department. Such hearing shall be provided by the department within 30 days after the receipt of such request and shall follow the procedures required by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Appeal from such hearing shall be in accordance with such chapter.

(g) **Rules and regulations.** The commissioner may promulgate rules and regulations as are necessary to implement this Code section.

(h) **Penalty.** Any permittee who operates a motor vehicle in violation of an ignition interlock device limited driving permit shall be guilty of a misdemeanor.

40-5-64.2.

(a) The commissioner shall submit a report to the Senate Public Safety Committee and the House Committee on Motor Vehicles detailing the annual number of optional ignition interlock device limited driving permits issued under paragraph (1) of subsection (a) of Code Section 40-5-64.1. Such report shall be made no later than the last day of December of each year.

(b) This Code section shall stand repealed on January 1, 2019."

SECTION 1-3.

Said chapter is further amended by revising subsection (b) of Code Section 40-5-67, relating to seizure and disposition of driver's license of persons charged with driving under the influence, as follows:

"(b)(1) At the time the law enforcement officer takes the driver's license, the officer shall issue a temporary driving permit to the person as follows:

(1)(A) If the driver refuses to submit to a test or tests to determine the presence of alcohol or drugs as required in Code Section 40-5-55, the officer shall issue a 30 45 day temporary driving permit;

~~(2)(B)~~ If the driver's license is required to be suspended under Code Section 40-5-67.1, the officer shall issue a ~~30~~ 45 day temporary driving permit; or

~~(3)(C)~~ If the test or tests administered pursuant to Code Section 40-5-55 indicate an alcohol concentration in violation of Code Section 40-6-391 but less than the level for an administrative suspension of the license under subsection (c) of Code Section 40-5-67.1, the officer shall issue a 180 day temporary driving permit.

(2) A ~~This~~ temporary driving permit issued under this subsection shall be valid for the stated period or until the person's driving privilege is suspended or revoked under any provision of this title. The department, at its sole discretion, may delay the expiration date of ~~the~~ such temporary driving permit, but in no event shall this delay extend beyond the date when such person's driving privilege is suspended or revoked under any provision of this title. The department shall by rules and regulations establish the conditions under which the expiration of ~~the~~ a temporary driving permit may be delayed."

SECTION 1-4.

Said chapter is further amended in Code Section 40-5-67.1, relating to chemical tests, implied consent notices, rights of motorists, test results, refusal to submit, suspensions and denials, and right to a hearing and review, by revising paragraph (1) of subsection (f) and paragraphs (1), (3), and (4) of subsection (g) as follows:

"(f)(1) The law enforcement officer, acting on behalf of the department, shall personally serve the notice of intention to suspend or disqualify the license of the arrested person or other person refusing such test on such person at the time of the person's refusal to submit to a test or at the time at which such a test indicates that suspension or disqualification is required under this Code section. The law enforcement officer shall take possession of any driver's license or permit held by any person whose license is subject to suspension pursuant to subsection (c) or (d) of this Code section, if any, and shall issue a ~~30~~ 45 day temporary driving permit. The officer shall forward the person's driver's license to the department along with the notice of intent to suspend or disqualify and the report required by subsection (c) or (d) of this Code section within ten calendar days after the date of the arrest of such person. This paragraph shall not apply to any person issued a 180 day temporary driving permit pursuant to subsection (b) of Code Section 40-5-67. The failure of the officer to transmit the report required by this Code section within ten calendar days shall not prevent the department from accepting such report and utilizing it in the suspension of a driver's license as provided in this Code section."

"(g)(1) A person whose driver's license is suspended or who is disqualified from operating a commercial motor vehicle pursuant to this Code section shall remit to the department a \$150.00 filing fee together with a request, in writing, for a hearing within

ten-business 30 days from the date of personal notice or receipt of notice sent by certified mail or statutory overnight delivery, return receipt requested, or the right to said hearing shall be deemed waived. The issuance of an ignition interlock device limited driving permit to a person eligible for such permit under paragraph (1) of subsection (a) of Code Section 40-5-64.1 shall constitute a waiver of the right to a hearing under this subsection.

Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as is provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded."

"(3) The hearing officer shall, within five calendar days after such hearing, forward a decision to the department to rescind or sustain the driver's license suspension or disqualification. If no hearing is requested within the ten-business 30 days specified above in paragraph (1) of this subsection, and the failure to request such hearing is due in whole or in part to the reasonably avoidable fault of the person, the right to a hearing shall have been waived. The issuance of an ignition interlock device limited driving permit to a person eligible for such permit under paragraph (1) of subsection (a) of Code Section 40-5-64.1 shall constitute a waiver of the right to a hearing under this subsection.

The request for a hearing shall not stay the suspension of the driver's license; provided, however, that if the hearing is timely requested and is not held before the expiration of the temporary permit and the delay is not due in whole or in part to the reasonably avoidable fault of the person, the suspension shall be stayed until such time as the hearing is held and the hearing officer's decision is made.

(4) In the event the person is acquitted of a violation of Code Section 40-6-391 or such charge is initially disposed of other than by a conviction or plea of nolo contendere, then the suspension shall be terminated and deleted from the driver's license record, and if such person had obtained an ignition interlock device limited driving permit under paragraph (1) of subsection (a) of Code Section 40-5-64.1, then the permit shall be revoked and the driver's license shall be reinstated without a fee. An accepted plea of nolo contendere shall be entered on the driver's license record and shall be considered and counted as a conviction for purposes of any future violations of Code Section 40-6-391. In the event of an acquittal or other disposition other than by a conviction or plea of nolo contendere, the driver's license restoration fee shall be promptly returned by the department to the licensee."

SECTION 1-5.

Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to ignition interlock devices as condition of probation, is amended in Code Section 42-8-110, relating to definitions, by revising subsection (b) as follows:

"(b) As used in this article, the term 'provider center' means a facility established for the purpose of providing and installing ignition interlock devices when their use is required by or as a result of an order of a court or as required in order to maintain an ignition interlock device limited driving permit in accordance with Code Section 40-5-64.1."

SECTION 1-6.

Said article is further amended by adding a new Code section to read as follows:

"42-8-110.1.

(a) Any person arrested for violating Code Section 40-6-391 with no previous conviction of and no previous plea of nolo contendere accepted to a charge of violating such Code section within the previous five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest, may apply for an ignition interlock device limited driving permit in accordance with Code Section 40-5-64.1. For purposes of determining previous convictions under this subsection, a person who has been convicted of a crime under the laws of any other state or territory of the United States which, if committed in this state, would be a violation of Code Section 40-6-391 shall be deemed to have a prior conviction.

(b) Issuance of an ignition interlock device limited driving permit in accordance with subparagraph (c)(1)(A) of Code Section 40-5-64.1 shall constitute a waiver of the right to a hearing under subsection (g) of Code Section 40-5-67.1 and shall serve as notice of suspension of a driver's license.

(c) Any person qualified under this Code section to be issued an ignition interlock device limited driving permit shall, upon issuance thereof, have installed and shall maintain in any motor vehicle to be driven by such person for a period of not less than four months a functioning, certified ignition interlock device, and such person shall not drive any motor vehicle whatsoever that is not so equipped during such period.

(d) The restriction for maintaining and using an ignition interlock device shall be cancelled by the department upon payment to the department of a \$100 fee or \$90 when such fee is processed by mail and upon successful completion of four months of monitoring of an ignition interlock device; provided, however, that the restriction shall remain in effect for 12 months for any person who refused to submit to a test under Code Section 40-5-67.1.

(e) Any ignition interlock device limited driving permit issued shall bear a restriction reflecting that the person shall only operate a motor vehicle equipped with a functional ignition interlock device.

(f) The fee for issuance of an ignition interlock device limited driving permit shall be as prescribed in Code Section 40-5-64.1."

SECTION 1-7.

Said article is further amended in Code Section 42-8-111, relating to court issuance of certificate for installation of ignition interlock devices, exceptions, and fees, by revising subsections (a), (d), and (e) as follows:

"(a) Upon a second or subsequent conviction of a resident of this state for violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, for which such person is granted probation, the court shall issue a certificate of eligibility for an ignition interlock device limited driving permit or probationary license, subject to the following conditions:

(1) Such person shall have installed and shall maintain in each motor vehicle registered in such person's name for a period of not less than one year a functioning, certified ignition interlock device;

(2) Such person shall have installed and shall maintain in any other motor vehicle to be driven by such person for a period of not less than one year a functioning, certified ignition interlock device, and such person shall not drive any motor vehicle whatsoever that is not so equipped during such period. Upon successful completion of one year of monitoring of such ignition interlock device, the restriction for maintaining and using such ignition interlock device shall be removed, and the permit may be renewed for additional periods of two months as provided in ~~paragraph (1) of subsection (e) (d)~~ of Code Section ~~40-5-64~~ 40-5-64.1; and

(3) Such person shall participate in a substance abuse treatment program as defined in paragraph (16.2) of Code Section 40-5-1 or a drug court program in compliance with Code Section 15-1-15 for a period of not less than 120 days.

For the purposes of this subsection, a plea of nolo contendere shall constitute a conviction; and a conviction of any offense under the ~~law of another~~ laws of any other state or territory ~~substantially conforming to any offense under~~ of the United States which, if committed in this state, would be a violation of Code Section 40-6-391 shall be deemed a conviction of violating ~~said such~~ Code section."

"(d) Except as provided in Code ~~Section~~ Sections 42-8-110.1 and 42-8-112, no provision of this article shall be deemed to reduce any period of driver's license suspension or revocation otherwise imposed by law.

(e) The fee for issuance of any driver's license indicating that use of an ignition interlock device is required shall be as prescribed for a regular driver's license in Code Section 40-5-25, and the fee for issuance of any limited driving permit indicating that use of an ignition interlock device is required shall be as prescribed ~~for a limited driving permit in~~ Code Section ~~40-5-64~~ 40-5-64.1; except that, for habitual violators required to use an

421 ignition interlock device as a condition of a probationary license, the fee shall be as
422 prescribed for a probationary license in Code Section 40-5-58."

423 **SECTION 1-8.**

424 Said article is further amended in Code Section 42-8-112, relating to timing for issuance of
425 ignition interlock device limited driving permit and documentation and reporting
426 requirements, by revising paragraph (1) of subsection (d) as follows:

427 "(d)(1) If a person required to report to an ignition interlock provider as required by
428 subsection (c) of this Code section fails to report to the provider as required or receives
429 an unsatisfactory report from the provider at any time during the ~~one-year~~ permit period,
430 the Department of Driver Services shall revoke such person's ignition interlock device
431 limited driving permit immediately upon notification from the provider of the failure to
432 report or failure to receive a satisfactory report. Except as provided in paragraph (2) of
433 this subsection, within 30 days after such revocation, the person may make a written
434 request for a hearing and remit to the Department of Driver Services a payment of
435 \$250.00 for the cost of the hearing. Within 30 days after receiving a written request for
436 a hearing and a payment of \$250.00, the Department of Driver Services shall hold a
437 hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure
438 Act.' The hearing shall be recorded."

439 **PART II**

440 **SECTION 2-1.**

441 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
442 is amended in Code Section 40-5-22, relating to minimum ages for licenses and limited
443 driving permits, by revising subsection (d) as follows:

444 "(d) The department is authorized to issue a limited driving permit to an applicant whose
445 license is currently under suspension or revocation in any other jurisdiction upon grounds
446 which would authorize the suspension or revocation of a license under this chapter,
447 provided that the applicant is otherwise eligible for such limited driving permit in
448 accordance with ~~paragraph (1) of subsection (a) of Code Section 40-5-64~~ and paragraph
449 (1) of subsection (a) of Code Section 40-5-64.1."

450 **SECTION 2-2.**

451 Said chapter is further amended in Code Section 40-5-39, relating to endorsements on
452 licenses of limousine chauffeurs, by revising paragraph (2) of subsection (b) as follows:

SECTION 2-4.

Said chapter is further amended in Code Section 40-5-66, relating to appeals from decisions of the department, by revising subsection (a) as follows:

"(a) Except as provided in subsection (h) of Code Section 40-5-67.1, ~~and~~ subsection (h) of Code Section 40-5-64, and subsection (f) of Code Section 40-5-64.1, any decision rendered by the department shall be final unless the aggrieved person shall desire an appeal. In such case, such person shall have the right to enter an appeal in the superior court of the county of his residence or in the Superior Court of Fulton County. Such appeal shall name the commissioner as defendant and must be filed within 30 days from the date the department enters its decision or order. The person filing the appeal shall not be required to post any bond nor to pay the costs in advance."

SECTION 2-5.

Said chapter is further amended in Code Section 40-5-67.2, relating to terms and conditions for suspension of license under subsection (c) of Code Section 40-5-67.1, by revising subsection (d) as follows:

"(d) Any other provision of law to the contrary notwithstanding, a driver with no previous conviction for a violation of Code Section 40-6-391 within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest, during the period of administrative suspension contemplated under this chapter, shall be entitled to a limited driving permit or an ignition interlock device limited driving permit as provided in Code ~~Section~~ Sections 40-5-64 and 40-5-64.1."

SECTION 2-6.

Said chapter is further amended in Code Section 40-5-76, relating to judicial restoration of a driver's license or issuance of a limited driving permit, by revising subsection (a) as follows:

"(a) A judge presiding in a drug court division, mental health court division, or veterans court division may order the department to restore a defendant's driver's license that has been or should be suspended pursuant to Code Section 40-5-75, suspend such license, issue a defendant an ignition interlock device limited driving permit in accordance with Code Section 40-5-64.1, or issue a defendant a limited driving permit in accordance with the provisions set forth in subsections (c) and (d) of Code Section 40-5-64 or with whatever conditions the court determines to be appropriate under the circumstances as a reward or sanction to the defendant's behavior in such court division. The court shall determine what fees, if any, shall be paid to the department for such reward or sanction, provided that such fee shall not be greater than the fee normally imposed for such services."

522

PART III

523

SECTION 3-1.

524

This Act shall become effective on January 1, 2017.

525

SECTION 3-2.

526

All laws and parts of laws in conflict with this Act are repealed.